

REMARKS/ARGUMENTS

In the Final Office Action, all of the currently pending claims 12 to 22 were rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent 7,024,677 (hereinafter Snyder). The Applicants submitted, in an initial response to the Final Office Action filed on April 27, 2007, that the effective date of the subject matter used to reject the claims is after the effective date of the present application.

An Advisory Action was issued on May 14, 2007. It was asserted in the Advisory Action that the claimed invention was disclosed in United States Patent Application Serial No. 09/215,161 (issued as United States Patent No. 6,452,612) which is the parent application from which Snyder claims benefit.

The Applicants respectfully disagree with this conclusion. Although the parent application may infer communications between the processing unit 102 and production devices 104 to 130, it is respectfully submitted that such communications do not disclose or suggest a video production switcher as claimed. For example, the ability to enable communications in no way discloses a dedicated connection from keyers, mixers, effects devices, and routing elements to processing elements of a digital video effects processor, as clearly recited in the single independent claim 12 of the present application.

In any case, the subject matter of the rejected claims was invented prior to the effective date of December 18, 1998, which is the filing date of the parent application of the cited Snyder reference.

Enclosed herewith are executed Affidavits of the inventors David Ross and Alun Fryer, along with accompanying Exhibits. The enclosed Affidavits and Exhibits are being submitted after the Final Office Action and could not be presented earlier. Snyder was first cited in the Final Office Action, the Applicants do not believe that Snyder discloses the claimed invention, and it did require some time to collect appropriate evidence for the Exhibits attached to the Affidavits.

The enclosed Affidavits and Exhibits establish reduction to practice of the claimed invention prior to March 1998, when a line of digital production switchers incorporating the invention was advertised in a 1998 Product Catalog of Ross Video Limited. An operational switcher incorporating the claimed invention was also exhibited and demonstrated at a National Association of Broadcasters (NAB) show, which ran from April 6 to 10, 1998. Development work on the switcher product line also continued thereafter, and the majority of the original drawings filed in the present application were dated on or before December 17, 1998. All of these dates are prior to the effective date of Snyder.

It is therefore respectfully submitted that the enclosed Affidavits and Exhibits establish invention of the subject matter of the rejected claims prior to the effective date of the reference (Snyder) on which the rejection in the Final Office Action is based. Prior invention is established in Canada, which is both a NAFTA country and a WTO member country. Snyder does not claim the same patentable invention as the rejected claims, and is not a statutory bar.

Therefore, prior invention has properly been established under 37 C.F.R. 1.131. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

It is noted that no other issues were raised in the Final Office Action, and early and favourable consideration of the application would therefore appear to be in order.

Respectfully submitted,



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